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6 Counsel for Defendant TORTOLERO

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,)	No. CR 11-587 EMC
)	
11 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR CONTINUANCE OF
12 v.)	CHANGE OF PLEA HEARING
)	AND EXCLUSION OF TIME
13 BARRY TORTOLERO,)	
)	Date: October 19, 2011
14 Defendant.)	Time: 2:30 p.m.
_____)	Court: The Honorable Edward M. Chen

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16 The parties hereby stipulate and agree as follows:

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- 18 1. This matter is set for a change of plea hearing on October 19, 2011 at 2:30 p.m.;
 - 19 2. Counsel for Mr. Tortolero is scheduled to be in trial on October 19, 2011 and can
20 no longer make the change of plea hearing;
 - 21 3. Counsel for the government has been contacted and has no objection to the
22 continuation;
 - 23 4. The defense thus requests that the change of plea hearing be
24 continued to October 26, 2011 at 2:30 p.m.
 - 25 5. Further, and in light of the foregoing, the parties stipulate and jointly request that
26 time be excluded from the Speedy Trial Act calculations from Wednesday,

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October 19, 2011 through Wednesday, October 26, 2011. The parties agree that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(iv)..

IT IS SO STIPULATED.

Dated: October 17, 2011

_____/S/_____
ELIZABETH M. FALK
ASSISTANT FEDERAL PUBLIC DEFENDER

Dated: October 17, 2011

_____/S/_____
KATHRYN HAUN
ASSISTANT UNITED STATES ATTORNEY

1 **~~PROPOSED~~ ORDER**

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3 For the reasons set forth above, the change of plea hearing in the aforementioned matter is
4 hereby CONTINUED from October 19 , 2011 to October 26, 2011 at 2:30 p.m.

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6 In addition, for the reasons stated above, the Court finds that an exclusion of time from
7 October 19, 2011 through October 26, 2011 is warranted and that the ends of justice served by
8 the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See*
9 18 U.S.C. §3161 (h)(7)(A).

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11 **IT IS SO ORDERED.**

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13 DATED: 10/18/2011 _____

